

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: Griffith Hack GPO Box 1285K MELBOURNE VIC 3001			Date of mailing <i>(day/month/year)</i> 1 6 JUN 2004
Applicant's or agent's file reference FP19561		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/AU2004/000433	International filing date <i>(day/month/year)</i> 2 April 2004	Priority date <i>(day/month/year)</i> 3 April 2003	
International Patent Classification (IPC) or both national classification and IPC Int. Cl. ⁷ B05B 1/04, F25C 3/04			
Applicant DODSON, Mitchell, Joe			

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer A. ALI Telephone No. (02) 6283 2607
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2004/000433

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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International application No.

PCT/AU2004/000433

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	YES
	Claims 1-24	NO
Inventive step (IS)	Claims	YES
	Claims 1-24	NO
Industrial applicability (IA)	Claims 1-24	YES
	Claims	NO

2. Citations and explanations:

The following document, cited in the International Search Report, is considered to be highly relevant:

US 5090619 A (BARTHOLD ET AL) 25 February 1992

NOVELTY (N)

Claims 1-24 do not satisfy the criterion under PCT Article 33(2) for novelty. The claims are directed to a nozzle (and snow making equipment utilising such a nozzle) that provides variable output whilst maintaining full input fluid pressure and without having to change the nozzle aperture by providing adjustable means to vary the cross-section of the nozzle aperture.

US 5090619 discloses a snow gun utilising an adjustable nozzle configuration that facilitates adjustment of water flow at the nozzle location instead of a remote hydrant and utilises the full pressure energy of the water stream in the atomisation process. Water flow is adjusted (at the nozzle location by rotation of handle 17) by axial shifting of central tube 12.

INVENTIVE STEP (IS)

Claims 1-24 do not satisfy the criterion under PCT Article 33(3) for inventive step. The claims lack an inventive step over US 5090619 as this document provides a full disclosure of the subject matter claimed.

INDUSTRIAL APPLICABILITY (IA)

The subject matter claimed is suitable for industrial application.